

DRAFT

BEND MUNICIPAL AIRPORT URBAN RENEWAL PLAN



Deschutes County

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PROPOSED BEND MUNICIPAL AIRPORT URBAN RENEWAL PLAN

I. INTRODUCTION

The Bend Municipal Airport Urban Renewal Plan (the “Plan”) contains goals, objectives and projects for the development and redevelopment of the Bend Municipal Airport Urban Renewal Area (“Area”).

Located northeast of the city of Bend, Oregon, the Bend Municipal Airport (“Airport”) traces its history back to 1942. The country was at war and there was an immediate need across the western states for training sites for aviators for the war effort. To this purpose, a group of patriotic Bend citizens banded together to deed a small piece of farmland to the City of Bend for the express intent that a municipally owned and operated landing strip be established. The site was developed and used for pilot training throughout World War II. Following the war, the airstrip was maintained by the City of Bend for general use, where it experienced slow growth throughout the 1950's and 1960's.

By the 1970's, it was clear that the Airport was becoming a part of the transportation network for Central Oregon and development of a comprehensive Airport Master Plan was undertaken in 1979. This plan established much of the direction for development at the Airport and forecasted significant growth in activity at the Airport in coming years. Today, in 2008, the Bend Municipal Airport stands poised to serve as the general aviation and corporate aviation gateway to Central Oregon, for now and into the future.

Facilities at the Airport include a single runway 5,200 feet in length and a corresponding full parallel taxiway. The Airport is identified as a Category 2, High Activity Business and General Aviation airport by the Oregon Department of Aviation, and there are over 200 aircraft based there with approximately 50,000 estimated annual operations. Today, more than eighteen aviation-related businesses are located on the airport employing more than 1500 people, making the Bend Municipal Airport one of the largest sites of family-wage jobs in Deschutes County.

In 2007 and 2008 substantial new growth has occurred and future new growth has been discussed at the Airport. Cessna Aircraft Company acquired the Columbia Aircraft Manufacturing Corporation facility in 2007 and Aero Facilities and Epic Aircraft are planning to develop additional facilities on the east side of the Airport. In March of 2008, Cessna announced they had hired an additional 100 employees and in April of 2008 they publicly discussed the need for a control tower at the Airport to support their burgeoning facility. However, the Airport requires substantial public investment in infrastructure and facilities to continue to accommodate aviation activity growth and aviation-related industrial development.

In the spring of 2008, the City of Bend approached Deschutes County with a suggestion to consider an urban renewal plan for the Bend Municipal Airport to help address facility and infrastructure needs. In April of 2008, as a first step, the Deschutes County Commission activated an urban renewal agency and designated the County Commission to act as the Urban Renewal Agency board.

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The Area, shown in Figure 1, contains approximately 526 acres including 22.63 acres of right of way. The Area includes all the land currently zoned for airport uses (approximately 415 acres) and, in addition, adjoining parcels which are either entirely or partially designated as being inside the “65 dBA DNL noise contours” which means that they are significantly affected by the noise of airport operations to the extent their use for non airport purposes is constrained. The additional properties are zoned Exclusive Farm Use (EFU). These additional EFU-zoned parcels are owned by the City of Bend, Deschutes County and one private individual. (See accompanying Report for maps and ownership information)

The Plan would be administered by the Deschutes County Urban Renewal Agency (“Agency”). An advisory committee will be appointed to recommend actions to the Agency for implementation of the Plan. The advisory committee is anticipated to include representatives of the City of Bend. Major changes to the Plan, if necessary, must be approved by the County Commission as detailed in Section VIII Future Amendments to the Plan. The Plan is accompanied by an Urban Renewal Report (“Report”) that contains additional information.

Projects and programs under the Plan are anticipated to last approximately 25 years. The maximum amount of indebtedness (amount of tax increment financing for projects and programs) that may be issued for the Plan is \$9,700,000.

II. GOALS AND OBJECTIVES

The goals of the Plan represent its basic intents and purposes. Accompanying each goal are objectives, which generally describe how the Agency intends to achieve the goals. The urban renewal projects identified in Chapter IV of the Plan are the specific means of meeting the objectives.

Goal 1: *ECONOMY*

Diversify the economic base in the Deschutes County and strengthen the Area’s role as a regional economic center.

Objectives:

- 1A: Support business development by completing improvements which will enhance local aviation-associated businesses, preserve current aviation uses, promote private investment, and provide for a mix of employment types and uses.
- 1B: Promote job retention and job creation by targeting quality jobs and enhancing job opportunities for local residents, particularly in the aviation and aerospace cluster.
- 1C: Assist in the financing and provision of transportation and infrastructure improvements to support the development of aviation uses.
- 1D: Work with property owners to promote beneficial development of properties within the Area.

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- 1E: Increase the supply of buildable serviced land for aviation uses within and adjacent to the Airport.

Goal 2: *TRAFFIC AND TRANSPORTATION*

Implement transportation improvements that will maintain the ability of the Airport to serve general aviation and aviation-related development in Deschutes County, increase access to the Area and mitigate traffic impacts.

Objectives:

- 2A: Provide the Airport with adequate facilities, services and safety features to serve the existing and projected levels of aviation activity or demand as specified in the Airport Master Plan as it may be amended from time to time.
- 2B: Provide economic support to regional and local businesses by developing an Airport that provides sufficient access to the national air transportation system.
- 2C: Provide facilities that are accessible from the ground and air to meet the demands of users.
- 2D: Improve and construct streets to meet future development demands.
- 2E: Improve roads to the extent that improvements are required for growth at the Airport.

Goal 3: *LAND USE*

Ensure an adequate supply of appropriately zoned land to provide for the development of aviation uses.

Objectives:

- 3A: Provide opportunities for aviation and aviation-related development at and adjacent to the Airport.
- 3B: Disperse employment centers to parts of the County with access to adequate transportation routes and public utilities.
- 3C: Eliminate potential conflicts in Ldn 65 noise contour properties by acquiring properties as specified in the Airport Master Plan as it is amended from time to time.

Goal 4: *PUBLIC UTILITIES*

Ensure that new development is located in areas that can be adequately served by public infrastructure including access, circulation, water, sanitary sewer, storm drainage and other facilities and services.

Objectives:

- 4A: Develop public infrastructure improvements on parcels of underutilized land to encourage private development.
- 4B: Develop water, sanitary sewer and storm drainage improvements to support aviation uses.

Goal 5: *PUBLIC INVOLVEMENT*

Maintain a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the urban renewal planning and implementation process.

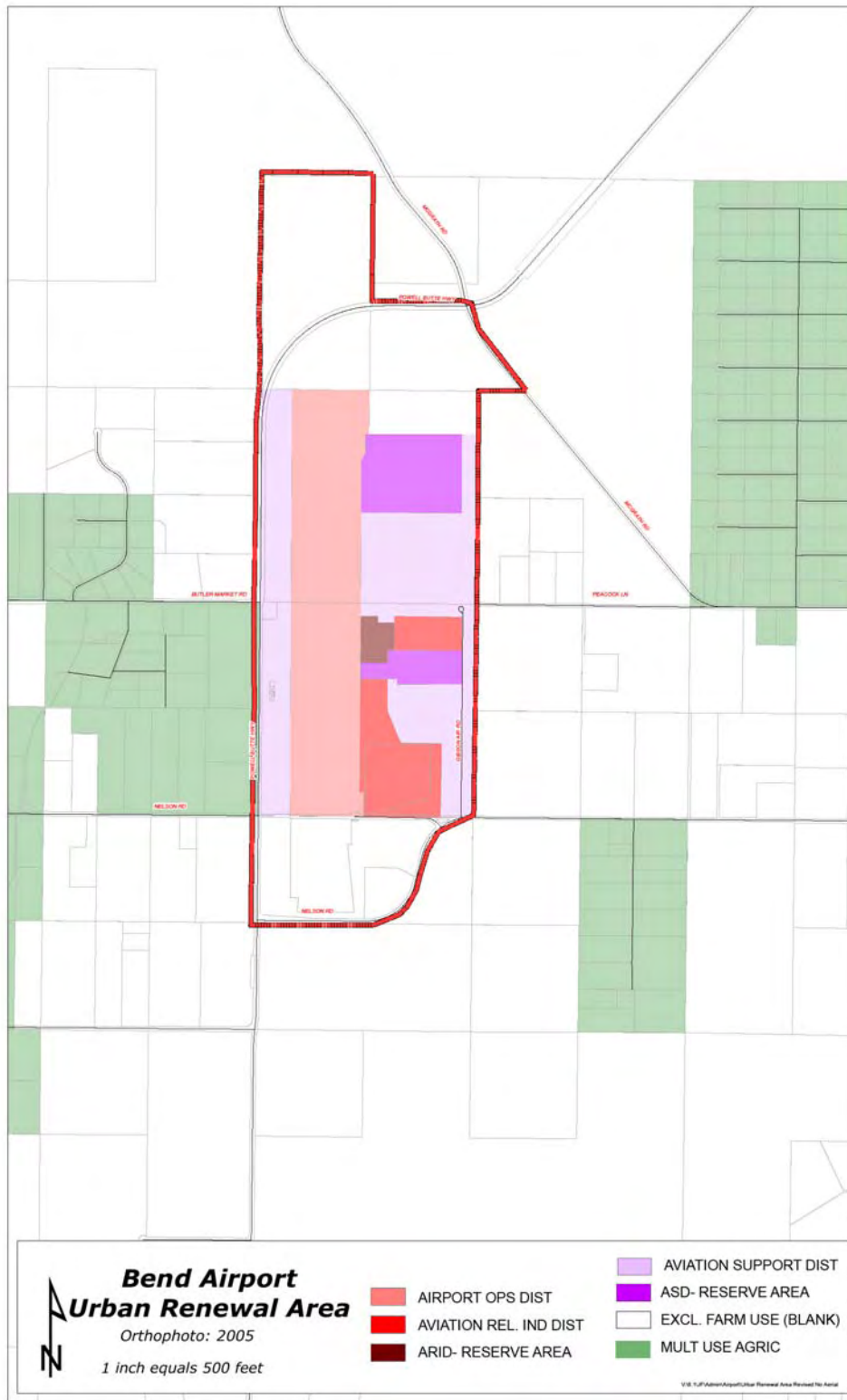
Objectives:

- 5A: Use available media to inform citizens of projects and programs to be undertaken under the Plan.
- 5B: Provide for public input as to implementation of the Plan and work to achieve consensus as a basis for proceeding.

II. MAP AND LEGAL DESCRIPTION OF URBAN RENEWAL AREA

The Area legal description is attached as Appendix A. (This will be attached once this goes to the County Commission)

FIGURE 1. URBAN RENEWAL AREA BOUNDARY, ZONING AND COMPREHENSIVE PLAN DESIGNATIONS



III. OUTLINE OF MAJOR URBAN RENEWAL PROJECT ACTIVITIES

The major projects include taxiway and runway improvements, aviation safety improvements, development of new facilities, property acquisition, planning, public safety improvements and Airport area infrastructure improvements. The specific projects under those categories are as follows:

A. Taxiway and Runway Improvements

1. Construct New Taxiway B
2. Reconstruct Taxiway A
3. Widen Runway
4. Lengthen Runway
5. Pavement Expansion: Westside Expand North Ramp
6. Pavement Expansion: Westside Expand South Ramp
7. Runway Upgrading

B. Aviation Safety Improvements

1. Air Traffic Control Tower
2. Compass Rose
3. Fencing Improvements: Powell Butte Highway
4. Fencing Improvements: Airport Frontage
5. Fencing Improvements: Install Perimeter Fencing
6. Auto Parking Improvements
7. Demolish Homes Acquired Inside 65 dBA DNL and 70 dBA DNL

C. Development

1. Construct Airport Facilities Building: Administration, Maintenance, Meeting/Conference Room and Classroom
2. Construct Hangars for Airport to Own and Lease
3. Expand Heliport/Helipad

D. Property Acquisition

1. Purchase Property Inside 65 dBA DNL and 70 dBA DNL for Additional Airport Development and for Noise Buffer

E. Planning

1. Airport Master Plan
2. Administration of Urban Renewal Plan

F. Public Safety Improvements

1. Construct Fire Sub-station

G. Airport Area Infrastructure Improvements

1. Road Improvement: Powell Butte Highway at Butler Market Road
2. Road Improvements: Powell Butte Highway

IV. URBAN RENEWAL PROJECTS

Urban renewal projects authorized by the Plan consist of public improvements that are described below. Public improvements authorized under the Plan include transportation and utility projects and other projects that will upgrade and expand the existing Airport. The actual scope, budget and priorities for urban renewal projects will be decided by the Agency as it administers the Plan. The majority of these projects are identified either in the current Bend Municipal Airport Master Plan (Master Plan) or in the 2002 Planning Update to the Master Plan. Where they are not identified in the Master Plan it is anticipated they will be included as activities in the upcoming Master Plan Update, scheduled for this year. Projects are expected to be undertaken after they have been included in the revised Master Plan.

As shown in the Report, tax increment funds will be combined with existing and other future sources of funding to finance project costs.

A. Taxiway and Runway Improvements

1. Construct New Taxiway B
Construct a 35-foot wide taxiway the length of the Airport at the east side of the Airport. This project would incorporate lighting, appropriate signage, and runup areas.
2. Reconstruct Taxiway A
Reconstruction of taxiway on the west side of the Airport. This reconstruction includes widening the taxiway and adding appropriate lighting and signage, and runup areas.
3. Widen Runway
The existing runway will be widened as determined in the Airport Master Plan update.
4. Lengthen Runway
The existing runway will be lengthened as to be determined in the Airport Master Plan update.
5. Pavement Expansion
The Westside north ramp will be expanded.
6. Pavement Expansion

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The Westside south ramp will be expanded.

7. Runway Upgrading

The existing runway will have additional asphalt applied to increase its weight bearing capacity above 30,000 pounds as will be determined in the Airport Master Plan update.

B. Safety Improvements

1. Air Traffic Control Tower

Construct an air traffic control tower for the Airport.

2. Compass Rose

Construct a roadway for compass calibration/testing for aircraft.

3. Fencing Improvements: Powell Butte Highway

Security fencing along Powell Butte Highway will be installed to protect both the Airport facilities and private property and to protect the safety of the public and wildlife.

4. Fencing Improvements: Perimeter Fencing

A perimeter security fence with gated openings will be installed to protect the Airport facilities and private property and to protect the safety of the public and wildlife.

5. Auto Parking Improvements

Auto parking will be developed to meet increased demand and/or to resolve potential safety hazards.

6. Airport Perimeter Roadway: Install and Expand Perimeter Roadway

A perimeter roadway will be constructed to provide access for fuel trucks to access both sides of the Airport without having to cross an active runway.

7. Demolish Homes Acquired Inside 65 dBA DNL and 70 dBA DNL

After acquisition, the existing houses within the Area will be demolished.

C. Development

1. Construct Airport Facilities Building: Administration, Maintenance Meeting/Conference Room and Classroom

Develop additional space for administrative offices, a maintenance facility, a meeting/conference room and the community college has requested a classroom.

2. Construct Airport Hangars

Develop additional hangar space to meet growing demand. The Airport may construct those hangars to sell or to retain in public ownership and to lease to private individuals as an income source.

3. Expand Heliport/Helipad

The existing heliport/helipad will be moved to another location on the Airport where there will be more room for this growing use, and fewer conflicts with fixed wing aircraft.

D. Property Acquisition

1. Purchase Property Inside 65 and 70 dBA DNL Noise Contours

Parcels within the the 65 dBA DNL (4) and 70 (1) dBA DNL noise contours will be purchased for Airport and aviation-related uses. Where part of a parcel is within the contours, acquisition of the entire parcel is anticipated.

E. Planning

1. Airport Master Plan

The present Airport Master Plan was adopted in 1994. An planning update was adopted in 2002. A new Master Plan will be undertaken that will provide specific direction on several of the projects included in the Plan.

G. Public Safety

1. Construct Emergency Services Facility

In cooperation with Rural Fire District # 2 a Emergency Services Facility in proximity to the Airport will be developed to serve the increase of facilities at the Airport.

H. Infrastructure Improvements

1. Road Improvement: Powell Butte Highway at Butler Market Road

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A left turn lane on Powell Butte Highway to Butler Market Road will be constructed.

2. Road Improvement: Powell Butte Highway

Improvements will be made to Powell Butte Highway as necessary for Airport operations.

V. PROPERTY ACQUISITION AND DISPOSITION

The Plan authorizes the acquisition and disposition of property as described in this section. Property includes any and all interests in property, including fee simple ownership, lease, easements, licenses or other rights to use.

A. Property Acquisition for Public Improvements

The Agency may acquire any property within the Area for the public improvement projects undertaken pursuant to the Plan by all legal means, including use of eminent domain, without amendment to the Plan. The Agency will follow all procedures for acquisition as required by the funding source of the acquisition and by FAA, if applicable. Good faith negotiations for such acquisition must occur prior to institution of eminent domain procedures. The schedule for acquisition of land for a public improvement project will be determined based on the timing of the construction of the public improvement.

B. Property Acquisition – From Willing Sellers

The Plan authorizes the Agency acquisition of any interest in property within the Area that the Agency finds is necessary to support private redevelopment, but only in those cases where the property owner wishes to convey such interest to the Agency. The Plan does not authorize the Agency to use the power of eminent domain to acquire property for a private party to transfer property to another private party for private redevelopment.

C. Property Acquisition for Noise Buffer

The Agency may acquire any property within the Area for noise buffer projects undertaken pursuant to the Plan by all legal means, including use of eminent domain, without amendment to the Plan. The Agency will follow all procedures for acquisition as required by the funding source of the acquisition and by FAA, if applicable. Good faith negotiations for such acquisition must occur prior to institution of eminent domain procedures. The schedule for acquisition of land for a public improvement project will be determined based on the timing of the construction of the public improvement.

D. Land Disposition

The Agency will dispose of property acquired for a public improvement project by conveyance to the appropriate public agency responsible for construction and/or maintenance of the public improvement. The Agency may retain such property during construction of the public improvement. The schedule for disposition of land for a public improvement project will be determined based on the timing of the construction of the public improvement.

The Agency may dispose of property acquired under Subsection B of this Section V by conveying any interest in property acquired. The Agency will follow all procedures for disposition as required by the funding source of the acquisition and by FAA, if applicable. The schedule for disposition of land acquired under Subsection B. of this Section V will be determined by the Agency when the Agency determines the acquisition is necessary pursuant to Section V.B above. These determinations may be made by Resolution of the Agency.

Property shall be conveyed at its fair reuse value. Fair reuse value is the value, whether expressed in terms of rental or capital price, at which the urban renewal agency in its discretion determines such land, should be made available in order that it may be developed, redeveloped, cleared, conserved or rehabilitated for the purposes specified in such plan. Because fair reuse value reflects limitations on use of the property to those purposes specified in the Plan, the value may be lower than the property's fair market value.

Where land is sold or leased, the purchaser or lessee must agree to use the land for the purposes designated in the Plan and to begin and complete the building of its improvements within a period of time that the Agency determines is reasonable.

VI. RELOCATION METHODS

When the Agency acquires occupied property under the Plan, residential or commercial occupants of such property shall be offered relocation assistance as required under applicable state and federal law. Prior to such acquisition, the Agency shall adopt rules and regulations as necessary for the administration of relocation assistance.

VII. TAX INCREMENT FINANCING OF PLAN

Tax increment financing consists of using annual tax increment revenues to make payments on loans, usually in the form of tax increment bonds. The proceeds of the bonds are used to finance the urban renewal projects authorized in the Plan. Bonds may be either long-term or short-term.

Tax increment revenues equal most of the annual property taxes imposed on the cumulative *increase* in assessed value within an urban renewal area over the total assessed value at the time an urban renewal plan is adopted. [Under current law, the property taxes for general obligation (“GO”) bonds and local option levies approved after October 6, 2001 are not part of the tax increment revenues.]

A. General Description of the Proposed Financing Methods

The Plan will be financed using a combination of revenue sources. These include:

- Tax increment revenues;
- Advances, loans, grants and any other form of financial assistance from the Federal, State or local governments or other public body;
- Loans, grants, dedications or other contributions from private developers and property owners, including but not limited to assessment districts; and
- Any other public or private source.

Revenues obtained by the Agency will be used to pay or repay the costs, expenses, advancements and indebtedness incurred in (1) planning or undertaking project activities, or (2) otherwise exercising any of the powers granted by ORS Chapter 457 in connection with the implementation of this Plan.

B. Tax Increment Financing and Maximum Indebtedness

The Plan may be financed, in whole or in part, by tax increment revenues allocated to the Agency as provided in ORS Chapter 457. The ad valorem taxes, if any, levied by a taxing district in which all or a portion of the Area is located, shall be divided as provided in Section 1c, Article IX of the Oregon Constitution, and ORS 457.440. Amounts collected pursuant to ORS 457.440 shall be

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deposited into the unsegregated tax collections account and distributed to the Agency based upon the distribution schedule established under ORS 311.390.

The maximum amount of indebtedness that may be issued or incurred under the Plan, based upon good faith estimates of the scope and costs of projects in the Plan and the schedule for their completion is Nine Million Seven Hundred Thousand Dollars (\$9,700,000). This amount is the principal of such indebtedness and does not include interest or indebtedness incurred to refund or refinance existing indebtedness.

C. Prior Indebtedness

Any indebtedness permitted by law and incurred by the Agency in connection with the preparation of this Plan or prior planning efforts that support the preparation or implementation of this Plan may be repaid from tax increment revenues from the Area when and if such funds are available.

VIII. FUTURE AMENDMENTS TO PLAN

The Plan may be amended as described in this section.

A. Substantial Amendments

Substantial Amendments are solely amendments:

- Adding land to the urban renewal area, except for an addition of land that totals not more than one percent of the existing area of the urban renewal area; or
- Increasing the maximum amount of indebtedness that can be issued or incurred under the Plan.

Substantial Amendments, in accordance with ORS 457.085(2)(i), shall require the same notice, hearing and approval procedure required of the original Plan under ORS 457.095, including public involvement, consultation with taxing districts, presentation to the Planning Commission and adoption by the County Commission by non-emergency ordinance after a hearing. Notice of such hearing shall be provided to individuals or households within Deschutes County as required by ORS 457.120. Notice of adoption of a Substantial Amendment shall be provided in accordance with ORS 457.095 and .115.

B. Commission Approved Amendments

Commission Approved amendments consist solely of amendments which result in:

- Material changes to the goals and objectives of the Plan; or
- Addition or expansion of a project that is materially different from projects previously authorized in the Plan.

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Commission Approved amendments require approval by the Agency by resolution and by the County Commission by ordinance.

C. Minor Amendments

Minor Amendments are amendments that are not Substantial or Commission Approved Amendments in scope. Minor Amendments require approval by the Agency by resolution.

D. Amendments to the Deschutes County Comprehensive Plan and/or Deschutes County Revised Code

Amendments to the Deschutes County Comprehensive Plan and/or Deschutes County Development Code that affect the Plan and/or the Area shall be incorporated automatically within the Plan without any separate action required by the Agency or the County Commission.

IX. RELATIONSHIP TO LOCAL OBJECTIVES

The Plan relates to the local planning and development objectives contained within the Deschutes County Comprehensive Plan and Transportation System Plan. The following section describes the purpose and intent of these plans, the particular goals and policies within each planning document to which the proposed Plan relates and an explanation of how the Plan relates to these goals and policies. The original numbering of goals, policies and sections within the various plans were retained so that they may be referenced within the plans themselves. Therefore, numbering in this section of the Plan may not always fall in sequential order. The information in regular font is directly from the adopted document. The information in *italics* is how the urban renewal plan relates to this policy

A. Deschutes County Comprehensive Plan

Purpose

The purpose of the Comprehensive Plan for Deschutes County is not to provide a site-specific identification of the appropriate land uses which may take place on a particular piece of land but rather it is to consider the significant factors which affect or are affected by development in the County and provide a general guide to the various decisions which must be made to promote the greatest efficiency and equity possible, while managing the continuing growth and change of the area. Part of that process is identification of an appropriate land use plan, which is then interpreted to make decisions about specific sites (most often in zoning and subdivision administration) but the plan must also consider the sociological, economic and environmental consequences of various actions and provide guidelines and policies for activities which may have effects beyond physical changes of the land.

The plan must also consider factors other than those of a strictly local nature because the policies must serve not only as an internal guide but also as a way of relating to the larger society of which we are a part. The planning process has to be oriented toward the production of the most beneficial long-range results possible for the residents community, not as an end to growth, but as a way to guide growth for the general welfare of the of the public.

1. Chapter 23.52: Economy

The Plan relates to the Chapter 23.52 Economy in the following ways:

GOALS

1. To diversify and improve the economy of the area.
2. To enhance and maintain the existing natural resource, commercial and industrial segments of the local economy.

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The Plan provides improvements which will enhance the Area's services thereby increasing employment opportunities within the Area. These improvements will enhance and maintain the existing aviation uses in the local economy.

POLICIES

1. Tourism

- a. The importance of tourism to the local economy is well known, but there also exists considerable potential for strengthening and improving this segment of the economy. The County shall assist in the development of a long-range plan to encourage tourism (including destination resorts) and recreation locally (see Recreation Chapter for additional information). This study will include consideration of the impacts likely to be created by increasingly expensive gasoline.
- b. Private commercial activities consistent with other County policies which enhance tourism shall be encouraged by the County.

The Plan relates to the goal to diversify and improve the economy and to enhance the existing economy. The Plan would support the current aviation uses, many of which are tourist related, and provide opportunities for those to expand.

3. Land

- a. Adequate lands for commercial and industrial requirements shall be set aside (see Rural Development and Urbanization chapters).
- b. In order that local residents have adequate employment the County shall encourage programs that appropriately increase employment opportunities and assist, where feasible, public plans and programs to develop industrial land.

The Plan relates to the land section of the goal to diversify and improve the economy and to enhance the existing economy. The Plan would support the current aviation uses and provide opportunities for those to expand, providing increased employment opportunities.

2. Chapter 23.60: Transportation

The Deschutes County Comprehensive Plan Transportation Chapter addresses both short and long-term transportation needs. This Chapter looks at the next 20 years in Deschutes County, and identifies through goals and policies, how best to efficiently move people and goods throughout the County. Planning for the transportation needs within the Bend, Redmond and Sisters urban growth boundaries are covered by those cities' respective comprehensive plan transportation elements.

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The purpose of Deschutes County Comprehensive Plan (DCC) section 23.60 is to develop a transportation system that meets the needs of Deschutes County residents, while also considering regional and state needs at the same time. This plan addresses a balanced transportation system that includes automobile, bicycle, rail, transit, air, pedestrian and pipelines. It reflects existing land use plans, policies and regulations that affect the transportation system. The Plan relates to the Chapter 23.60 Transportation in the following ways:

B. Existing Road System

Deschutes County is responsible for maintaining approximately 943 total miles within the County system. Out of the total miles maintained by the County, approximately 750 miles are paved and 193 are unpaved. An additional 1,200 miles of unpaved roads are dedicated to the public but not in the County system. Most of the rural roads are located in the western part of the County along the major state highway corridors. In the other, mostly unpopulated areas, roads totaling approximately 410 miles are under the jurisdiction of the U.S. Forest Service, U.S. Bureau of Land Management, the Oregon State Forestry Division, or the Oregon State Parks Division. Of the 750 paved miles of public roads located in the County, many are controlled by the local jurisdictions within the three incorporated cities (Bend, Redmond and Sisters). However, the County maintains approximately 120 miles of urban roadways within Urban Growth Boundaries (UGB). Of the 120 urban road miles the County maintains, approximately 27 miles are within city limits. An additional 200 miles of roadways (state highway system) are controlled by ODOT.

The Plan authorizes expenditures to upgrade the existing road system surrounding the Airport for projects related to Airport expansion. An Immediate Opportunity Fund (IOF) application has been made for the left turn lane on Powell Butte Highway to Butler Market Road.

P. Air transportation

With the passage of SB 1113 in 1995, Oregon Department of Transportation (ODOT) is proposing that the County establish an “airport zone” for each of the public use airports in the County to assure the continuation of airport and airport-related uses there. State Rule Oregon Administrative Rule (OAR) 660-13, was adopted in December 1996 by the Land Conservation and Development Commission (LCDC). In July 1997, the state passed House Bill (HB) 2605 which modified Oregon Statutes regarding airport planning and will have an as yet undetermined effect on OAR 660-13.

1. Public-Use Airports: Publicly-Owned (Municipal)

- a. Redmond Municipal Airport
- b. Bend Municipal Airport

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The Plan relates to the transportation goal to support the Bend Municipal Airport. The Plan would support the current aviation uses and provide opportunities for those to expand.

2. Chapter 23.64: Transportation System Plan

In late 1994, the County initiated work on a long-range transportation system plan (TSP), which was a requirement of OAR 660-12, the Transportation Planning Rule (TPR). The State of Oregon approved the Rule in 1991. The purpose of the TSP is to guide the development of a safe, convenient and efficient transportation system that promotes economic prosperity and livability for all County residents.

B. The TSP makes recommendations regarding short-term and long-term transportation projects on state and County facilities that will be needed over the next 20 years.

1. The project list was based on:
 - a. Evaluating the capacity of the County road system and the state highway network within Deschutes County.
 - b. The results of state accident database analysis.
 - c. Input from the County Road Department.
 - d. Efforts to enhance alternative modes of transportation through compliance with the Transportation Planning Rule.
 - e. The input received from the citizen review committee (County Planning Commission) and the public outreach process in general.

The Plan authorizes expenditures to upgrade the existing road system surrounding the Airport for projects related to Airport expansion. An Immediate Opportunity Fund (IOF) application has been made for the left turn lane on Powell Butte Highway to Butler Market Road.

A. 23.64.30 Arterial and Collector Roads.

1. County road Network. The findings in the TSP conclude that the County road network currently in place, except for several specific road segments, should be adequate to serve the County needs over the next twenty years. Given the rural nature of Deschutes County and the fact that the majority of new development will take place on existing lots with existing access, few additional roads are anticipated. New road corridors to isolated subdivisions and new roads linking urban and rural areas are the main exceptions. Any new roads that will be created most likely will be the result of new developments and would therefore be part of land use development review or would be for secondary access or emergency ingress/egress to

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isolated subdivisions. Unforeseen large developments such as destination resorts normally have a private road system but their impacts to the County road network would be assessed at the time of land use approval.

The majority of road-related projects will consist of safety-related or other upgrades, maintenance and repair. Upgrades, maintenance and repair should be actively pursued to maintain the integrity of the system and not jeopardize the current conditions. Pedestrian, bicycle and transit modes of transportation require wider, smoother roadways. These improvements also benefit automobile and truck traffic by making the roads safer and more efficient. The main purpose of the County-owned road network is to move people and goods as efficiently as possible between and to the incorporated cities in the County, not as a means of increasing urban scale developments in the unincorporated communities of the County. The County recognizes the importance of having a natural and seamless transition of jurisdiction for County roads within urban growth boundaries to their respective city jurisdictions as the cities continue to grow.

- a. Goal: Establish a transportation system, supportive of a geographically distributed and diversified industrial base, while also providing a safe, efficient network for residential mobility and tourism.
- b. Policies:
 - 1. Deschutes County shall:
 - a. Consider the road network to be the most important and valuable component of the transportation system; and
 - b. Consider the preservation and maintenance and repair of the County road network to be vital to the continued and future utility of the County's transportation system.
 - 3. County roads. Several roads within the rural areas of the County road network are in need of reclassification.
 - b. Upgrade Functional Class - Rural Local to Rural Collector
 - 2. Nelson Road from Waugh Rd. to Powell Butte Highway.

The Plan authorizes expenditures to upgrade the existing road system surrounding the Airport for projects related to Airport expansion. An Immediate Opportunity Fund (IOF) application has been made for the left turn lane on Powell Butte Highway to Butler Market Road. The Plan activities will not alter any road classifications.

B. 23.64.200 Airports

The continued operation and vitality of airports registered, licensed or otherwise recognized by the Department of Transportation is a matter of State and County concern. There are currently 18 registered airports in Deschutes County. Four of these are public use airports; two of which, Bend Municipal and Redmond Municipal-Roberts Field are publicly owned while Sisters Eagle Air and Sunriver airports are privately owned. These airports have improved (paved) runways, and offer a range of services, from the availability of commercial passenger flights arriving and departing daily at Redmond Municipal Airport, to the Sisters (Eagle Air) Airport which offers no services or runway navigational aids.

The Redmond Airport, which is located completely within the City limits of Redmond, is owned and controlled by the City of Redmond. It has a master plan, which was updated in 1998 and adopted by the City. The Plan guides the future land use(s) at the airport. The Master Plan includes an inventory of existing facilities, land uses, aviation forecasts, a demand/capacity analysis, airport layout plan and a development program.

Unlike the Redmond Airport, the Bend Municipal Airport is located outside the Bend City limits and UGB, therefore the County has land use jurisdiction over it. In order to guide airport land uses, the County adopted and utilizes the 1994 Bend Municipal Airport Master Plan, as amended in 2002 the "Supplement to 1994 Airport Master Plan" incorporated by reference herein. This is the guiding document for airport planning and development. This document incorporates a range of facility improvements for the Bend Municipal Airport over the 20-year planning horizon (2021), including short, intermediate, and long-term projects to improve safety and function at the airport.

Currently, LCDC has administrative regulations (OAR 660-13) which were adopted in 1996. These regulations apply to airports that, in 1994, were the base for three or more aircraft. However, with the passage of HB 2605, the regulations were revised by the 1997 Oregon Legislature, which will require LCDC to update the rules to incorporate the changes made by the Legislature. For purposes of this TSP, the County will not alter current land use regulations in response to the current regulations (OAR 660-13) which have been revised by the Oregon Legislature. While the content of the new regulations is not yet known, the County policy shall be to develop ordinances to comply with the new regulations once they are adopted by LCDC. The Plan relates to these goals and policies in the following ways:

GOALS

Protect the function and economic viability of the existing public-use airports, while ensuring public safety and compatibility between the airport uses and surrounding land uses for public use airports and for private airports with three or more based aircraft.

The Plan relates to this goal by providing infrastructure and safety improvements specified in Section IV of the Plan.

POLICIES

a. Deschutes County shall protect public-use airports through the development of airport land use regulations. Efforts shall be made to regulate the land uses in designated areas surrounding the Redmond, Bend, Sunriver and Sisters (Eagle Air) airports based upon adopted airport master plans or evidence of each airports specific level of risk and usage. The purpose of these regulations shall be to prevent the installation of airspace obstructions, additional airport hazards, and ensure the safety of the public and guide compatible land use. For the safety of those on the ground, only limited uses shall be allowed in specific noise impacted and crash hazard areas that have been identified for each specific airport.

Protecting the privately owned, private-use airports, with three or more based aircraft, will be accomplished by development of specific land use regulations for these types of airports. The function and economic vitality of privately owned, private-use airports with two or fewer based aircraft will also be accomplished through land use planning. Each airport's specific level of risk and usage shall be used to guide the continued safe aeronautical access to and from these airports considering the type of aircraft approved to use the airfield.

b. Deschutes County shall:

1. Continue to recognize the Redmond (Roberts Field) Airport as the major commercial/passenger aviation facility in Deschutes County and an airport of regional significance. Its operation, free from conflicting land uses, is in the best interests of the citizens of Deschutes County. Incompatible land uses shall be prohibited on the County lands adjacent to the airport;
2. Cooperate with the cities of Bend, Redmond and Sisters in establishing uniform zoning standards, which will prevent the development of hazardous structures and incompatible land uses around airports;
3. Through adoption of appropriate zoning restrictions, take steps to ensure that any proposed uses shall not impact

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airborne aircraft because of height of structures, smoke, glare, lights which shine upward, radio interference from transmissions or any water impoundment's or sanitary landfills which would create potential hazards from waterfowl to airborne aircraft;

4. Through adoption of appropriate zoning restrictions, allow land uses around public-use airports that will not be adversely affected by noise and safety problems and will be compatible with the airports and their operations;
5. Work with, and encourage airport sponsors to work with the Federal Aviation Administration (FAA) to enforce FAA-registered flight patterns and FAA flight behavior regulations to protect the interests of County residents living near airports.
6. Adopt zoning restrictions to ensure that developments in the airport approach areas will not be visually distracting, create electrical interference or cause other safety problems for aircraft or persons on the ground. In addition, efforts shall be made to minimize population densities and prohibit places of public assembly in the approach areas;
7. Continue efforts to prevent additional residential encroachment within critical noise contours or safety areas without informed consent;
8. Specifically designate any proposed airport facility relocations or expansions within County jurisdiction on an airport master plan or airport layout plan map, as amended, and establish the appropriate airport zoning designation to assure a compatible association of airport growth with surrounding urban or rural development;
9. Maintain geographic information system (GIS) mapping of the Airport Safety Combining Zones and provide timely updates;
10. For those airports in Deschutes County without adopted master plans, the County shall, as a minimum, base any land use decisions involving airports on LCDC airport regulations, upon adoption of those regulations by LCDC, which implement HB 2605;
11. Participate in and encourage the County-adoption of airport master plans for all public use airports and at least an airport layout plan for the remaining ODOT-recognized airfields in Deschutes County;
12. Encourage appropriate federal, state and local funding for airport improvements at public-owned airports; and

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13. Discourage future development of private landing fields when they are in proximity to one another, near other public airports and potential airspace conflicts have been determined to exist by the Federal Aviation administration (FAA) or ODOT Aeronautics.
(Ord. 2003-035 §1, 2003; Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 98-044, 1998)

The Plan relates to the Transportation Systems Plan's goals and policies for the Bend Municipal Airport. It implements the existing Airport Master Plan and provides for updating the Master Plan. It provides strategies for protecting the airport and surrounding uses in the critical noise contours. It proposes development within the confines on the existing zoning for the area.

3. Chapter 23.68: Public Facilities and Services

In a County growing as fast as Deschutes County the provision of public services is a major issue. Adequate services at the right locations are the result of planning, hard work and money. The present growth rate has exceeded the previous plans and hard work by local governments has not always been able to keep up with the demand, especially since there is a growing reluctance to pay the higher taxes it takes to obtain the public services. In addition, the scattered low-density development that has occurred in some places is so inefficient in supplying services that the needed facilities are excessively expensive or completely unprofitable. The Plan relates to Chapter 23.68 Public facilities in the following ways:

E. Fire

Perhaps the public service most often forgotten is fire protection. In many areas of the County no fire agency is responsible for fires which occur. To solve this problem fire districts are often formed in rural areas or fire protection contracts signed with fire protection agencies.

As the County continues to grow many firefighting agencies are becoming increasingly concerned about the lack of proper controls to reduce fires in subdivisions, the inadequacy of firefighting equipment and training, and the need for more cooperation and mutual aid agreements between the various agencies. Proper planning and subdivision control is seen as critical in dealing with the situation.

GOALS

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as framework for urban and rural development, and thereby

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a system or plan that coordinates the type, location and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.

POLICIES

1. General

- a. Public facilities and services shall be provided at levels and in areas appropriate for such uses based upon the carrying capacity of the land, air and water, as well as the important distinction that must be made between urban and rural services. In this way public services may guide development while remaining in concert with the public's needs.
- c. Future development shall depend on the availability of adequate local services in close proximity to the proposed site. Higher densities may permit the construction of more adequate services than might otherwise be true. Cluster and planned development shall be encouraged.
- f. Deschutes County shall coordinate with the cities and other service providers in urban areas to assure that all urban services are provided in an equitable manner and construction phased, based upon the time required to provide the service, the reliability of the service, the financial cost, and the levels of service needed. All services shall be provided consistent with the provisions of all other required services.

6. Fire

- a. Land for a fire station shall be dedicated in large developments.
- f. Fire stations should be built in an architectural style that will blend into the area of location.

The Plan relates to the goal to provide public services by including funding for the future development of an emergency services facility to serve both the Airport and surrounding areas. Financing for emergency services facility from the Plan can include only capital expenditures.

4. Chapter 23.72: Recreation

GOALS

- 1. To satisfy the recreational needs of the residents of and visitors to Deschutes County.
- 2. To maximize utilization of economic and personnel resources through increasing intergovernmental and public-private cooperation in the provision of recreation facilities and services.

The Plan relates to the recreation goal by supporting the aviation uses at the Airport, recognizing that many of those uses are for recreation purposes. The Plan would support the current aviation uses and provide opportunities for those to expand.

5. Chapter 23.88: Agricultural Lands

GOAL

1. To preserve and maintain agricultural land.

The Plan relates to the Agricultural Lands goal as there is EFU property in the Area. The Plan includes some EFU zoned property on which a portion of the property is in the 65 dBA DNL DNL noise contour. The property is included in the Area to allow the future acquisition of the property to both protect the airport and to minimize impact on adjacent uses which is an airport-related use. Because the County is using the Supplement to “guide airport land uses,” and the Supplement states that the property which is within the Ldn65 contour shall be considered committed for airport-related or accessory commercial or industrial uses including the property which is within the Ldn65 contour in the Area is in conformance with the Comprehensive Plan. Although not all of each EFU parcel is within the Ldn65 contour, urban renewal best practice is to follow property lines for an urban renewal Area boundary because this eliminates the necessity for a field survey of the Area boundary. It also informs a property owner of the Agency’s intended future use of the property and reduces the possibility of creating a divided, uneconomic remaining parcel. The Plan supports the 1994 Bend Municipal Airport Master Plan and 2002 Bend Municipal Airport Master Plan Planning Update by including Ldn 65 noise contour properties identified in the Plan Update. Until such time that acquisition is completed, the Plan will not interfere with the present use of the parcels. Airport related uses would not be placed on the EFU properties until such time as a Goal Exception was taken. The majority of this property is in public ownership as shown in the accompanying Report. A small portion of the property on the south end of the Airport is in private ownership. No aviation uses would be placed on these EFU parcels until a LCDC Goal 2 Exception is taken.

6. Chapter 23.124: Citizen Involvement

GOALS

- A. To promote and maintain better communication between the community's various segments (i.e., governmental agencies, business groups, special districts and the general public).
- B. To provide the opportunity for the public to identify issues of concern and encourage their involvement in planning to addresses those issues.

The Plan relates to the citizen involvement goal. There will be public input on the drafting of the Plan through public meetings.

B. 1994 Bend Municipal Airport Master Plan Update and 2002 Supplement to the 1994 Bend Municipal Airport Planning Update

PURPOSE

The Bend Municipal Airport Master Plan (Master Plan) was developed in 1994 to examine the needs at the Airport and provide guidance for airport development for the next 20 years. The 2002 Supplement to the Bend Municipal Airport Planning Update (Supplement) documents changes in facilities, activity and facility needs that have occurred since the Master Plan was last updated.

By adoption of Ordinance No. 2003-035, effective January 1, 2004, Deschutes County incorporated the *1994 Bend Municipal Airport Master Plan*, as amended in 2002 by the *Supplement to 1994 Airport Master Plan*. Deschutes County Comprehensive Plan §23.64.200.

The Plan relates to the Bend Airport Master Plan by implementing planned improvement projects identified in the Master Plan and the Supplement. It also provides for the completion of a new Master Plan.

Supplement

Chapter 1 of the Supplement, *Inventory*, quotes Policy 27 of the Transportation Element of the Comprehensive Plan applicable to the Bend Airport:

“27(a). The Bend Municipal Airport will grow along with the rest of Deschutes County, and the following additional policies shall apply to the properties shown on the components of the airport overlay-zones within the area of average Ldn 65 contour (substantial impact area):

“1. Property within the average Ldn 65 contour (substantial impact area) shall be considered committed for airport-related or accessory commercial or industrial uses. At such time as an exception to LCDC Goal 2 (Agricultural Lands) is taken, such properties shall be available to be rezoned to A-D Airport Development, provided public need is demonstrated for the exception, in accordance with LCDC Goal 2 (Land

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Use Planning) and public need is demonstrated for the zone to be placed upon the property....”

The current version of the County’s Comprehensive Plan, and the Transportation Element, has been revised since the Supplement was drafted in 2002. Policy #27 is not in the current County Comprehensive Plan.

Nonetheless, the Supplement still remains part of the Comprehensive Plan by reference. DCC 23.64.200 states,

“In order to guide airport land uses, the County adopted and utilizes the 1994 Bend Municipal Airport Master Plan, as amended in 2002 the “Supplement to 1994 Airport Master Plan” incorporated by reference herein. This is the guiding document for airport planning and development.”

The Plan includes some EFU zoned property on which a portion of the property is in the 65 dBA DNL noise contour. The property is included in the Area to allow the future acquisition of the property to both protect the airport and to minimize impact on adjacent uses which is an airport-related use. Because the County is using the Supplement to “guide airport land uses,” and the Supplement states that the property which is within the Ldn65 contour shall be considered committed for airport-related or accessory commercial or industrial uses including the property which is within the Ldn65 contour in the Area is in conformance with the Comprehensive Plan. Although not all of each EFU parcel is within the Ldn65 contour, urban renewal best practice is to follow property lines for an urban renewal Area boundary because this eliminates the necessity for a field survey of the Area boundary. It also informs a property owner of the Agency’s intended future use of the property and reduces the possibility of creating a divided, uneconomic remaining parcel.

The Plan supports the 1994 Bend Municipal Airport Master Plan and 2002 Bend Municipal Airport Master Plan Planning Update by including Ldn 65 noise contour properties identified in the Plan Update.

Until such time that acquisition is completed, the Plan will not interfere with the present use of the parcels. An exception to LCDC Goal 2 would be taken prior to any airport related use being placed on the property. The majority of this property is in public ownership as shown in the accompanying Report. A small portion of the property on the south end of the Airport bordered by Nelson Road is in private ownership.

C. Deschutes County Planning Code

PURPOSE

- A. The intent or purpose of DCC Title 18 is to promote the public health, safety and general welfare and to carry out the Deschutes County Comprehensive Plan, the

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provisions of ORS 215 and the Statewide Planning Goals adopted pursuant to ORS 197. DCC Title 18 is to establish zoning districts and regulations governing the development and use of land within portions of Deschutes County, Oregon;

- B. To provide regulations governing nonconforming uses and structures; to establish and provide for the collection of fees; to provide for the administration of DCC Title 18 and for the officials whose duty it shall be to enforce the provisions thereof; to provide penalties for the violations of DCC Title 18; and to provide for resolution of conflicts;
- C. To regulate the placement, height and bulk of buildings; and the placement and growth of vegetation within the County to ensure access to solar energy by reasonably regulating interests in property within the County, as authorized under ORS 215.044 and ORS 105.880 through 105.890, to promote and maximize the conservation of energy by preserving the option to utilize solar energy and to implement the Comprehensive Plan policies relating to solar energy; and
- D. To encourage the design of new buildings, structures and developments which use solar energy and protect future options to use solar energy by protecting solar access.

The Plan relates to the Deschutes County Planning Code in the following ways:

1. Chapter 18.16: Exclusive Farm Use

PURPOSE

- A. The purpose of the Exclusive Farm Use zones is to preserve and maintain agricultural lands and to serve as a sanctuary for farm uses.
- B. The purposes of this zone are served by the land use restrictions set forth in the Comprehensive Plan and in DCC 18.16 and by the restrictions on private civil actions and enforcement actions set forth in ORS 30.930 through 30.947.

The Plan includes some EFU zoned property on which a portion of the property is in the 65dBA DNL noise contour. The property is included in the Area to allow the future acquisition of the property to both protect the airport and to minimize impact on adjacent uses which is an airport-related use. The 2002 Supplement to the Master Plan contemplates acquisition of this property by the City. Until that acquisition, no projects would occur on these parcels which would interrupt their present use as EFU zoned properties.

2. Chapter 18.76: Airport Development Zone

PURPOSE

The purpose of the Airport Development (AD) Zone is to allow for development compatible with ongoing airport use consistent with the Deschutes County Year 2000 Comprehensive Plan and the 1994 Bend Airport Master Plan (as amended by a 2002 supplement), while providing for public review of proposed development likely to have significant impact on surrounding lands. The AD Zone is composed of three separate zoning districts, each with its own set of allowed uses and distinct regulations, as further set forth in DCC 18.76. The Plan relates to the following sub chapters of the Airport Development Zone in the following ways:

Airfield Operations District (AOD)

Uses Permitted Outright. The following uses and their accessory uses are permitted outright:

- A. Runway, taxiway, service road, fuel storage and sales and emergency repair.
- B. Facilities approved or mandated by the FAA or Oregon State Aeronautics Division specifically supporting airport operations.
(Ord. 2003-036 §2, 2003)

The Plan relates to the AOD zone as Plan projects including runway and taxiway improvements within this zone are permitted uses.

Aviation Support District (ASD)

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - 1. Runway, taxiway, service road, fuel storage and sales and emergency repair.
 - 2. Facilities approved or mandated by the FAA or Oregon State Aeronautics Division.
 - 3. Related uses which are customarily appurtenant to airports, including but not limited to hangars, tie-down areas and parking facilities.
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
 - 1. Restaurants, which may include a bar or cocktail lounge as an accessory use. One restaurant per airport. Restaurants, including any accessory use, are to be 2,500 square feet or less in size.
 - 2. Airport or aviation-related businesses that benefit from an on-airport location.

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(Ord. 2004-013 §8, 2004; Ord. 2003-036 §2, 2003)

The Plan relates to the ASD zone as projects within this zone are permitted uses.

Aviation-Related Industrial District (ARID)

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. Runway, taxiway, service road, fuel storage and sales and emergency repair.
 2. Facilities approved or mandated by the FAA or Oregon State Aeronautics Division.
 3. Related uses which are customarily appurtenant to airports, including but not limited to hangars, tie-down areas and parking facilities.
 4. Airport or aviation-related commercial or industrial businesses that benefit from an on-airport location

The Plan relates to the ARID zone as projects within this zone are permitted uses.

3. Chapter 18.80: Airport Safety Combining Zone

Imaginary Surface and Noise Impact Boundaries

For the Redmond, Bend, Sunriver, and Sisters airports, the airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface shall be delineated for each airport subject to this overlay zone and shall be made part of the official Zoning Map. All lands, waters and airspace, or portions thereof, that are located within these boundaries (including direct and secondary impact boundaries) or surfaces shall be subject to the requirements of this overlay zone.

Height Limitations

All uses permitted by the underlying zone shall comply with the height limitations in DCC 18.80.028. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control. [ORS 836.619; OAR 660-013-0070]

- A. Except as provided in DCC 18.80.028(B) and (C), no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface. [ORS 836.619; OAR 660-013-0070(1)]
- B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height.

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- C. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA (for Redmond, Bend and Sunriver.)

The Plan relates to the Airport Safety Combining zone as projects within this zone are permitted uses.

Bend Municipal Airport

Bend Municipal Airport is a Category 2, Business or High Activity General Aviation Airport. The 5,200 foot long by 75 foot wide paved runway is located at an elevation is 3,456 feet. Imaginary surface dimensions for the Bend Airport are based on planned improved operational characteristics, and an upgrade from a “utility” to “other than utility” runway, but do not reflect any planned extension to the existing runway.

- A. Primary Surface: For Bend, the primary surface is 500 feet wide by 5,405 feet long.
- B. Runway Protection Zone (RPZ): Both Runway #16 and #34 have, or are proposed to have non-precision approaches. Both RPZs begin 200 feet off the ends of the runway. The non-precision RPZs form 500 foot wide by 1,700 foot long by 1,010 foot wide trapezoids.
- C. Approach Surface: The non-precision approach surfaces are 500 feet wide by 10,000 feet long by 3,500 feet wide, with an upward approach slope ratio of 34:1 (one-foot vertical for each 34 feet horizontal).
- D. Horizontal Surface: The surface boundary is comprised of connected arcs drawn 10,000 feet outward and centered on the ends of the primary surface. The height of the horizontal surface for the Bend Airport is 3,603 feet.

Land Use Compatibility

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of DCC 18.80 as provided herein. When compatibility issues arise, the Planning Director or Hearings Body is required to take actions that eliminate or minimize the incompatibility by choosing the most compatible location or design for the boundary or use. Where compatibility issues persist, despite actions or conditions intended to eliminate or minimize the incompatibility, the Planning Director or Hearings Body may disallow the use or expansion, except where the action results in loss of current operational levels and/or the ability of the airport to grow to meet future community needs. Reasonable conditions to protect the public safety may be imposed by the Planning Director or Hearings Body. [ORS 836.619; ORS 836.623(1); OAR 660-013-0080]

- A. Noise

Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5 (Table 2 of DCC 18.80). Applicants for

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any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries, shall sign and record in the Deschutes County Book of Records, a Declaration of Anticipated Noise declaring that the applicant and his successors will not now, or in the future complain about the allowed airport activities at the adjacent airport. In areas where the noise level is anticipated to be at or above 55 Ldn, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn. [NOTE: FAA Order 5100.38A, Chapter 7 provides that interior noise levels should not exceed 45 decibels in all habitable zones.]

B. Outdoor lighting

No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

C. Glare

No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.

D. Industrial emissions

No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

E. Communications Facilities and Electrical Interference

No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval. Approval of cellular and other telephone or radio communication towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this result.

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F. Limitations and Restrictions on Allowed Uses in the RPZ, Approach Surface, and Airport Direct and Secondary Impact Areas

For the Redmond, Bend, Sunriver, and Sisters airports, the land uses identified in DCC 18.80 Table 1, and their accessory uses, are permitted, permitted under limited circumstances, or prohibited in the manner therein described. In the event of conflict with the underlying zone, the more restrictive provisions shall control. As used in DCC 18.80.044, a limited use means a use that is allowed subject to special standards specific to that use.

The proposed Plan relates to the general objectives and specific development standards prescribed for each of these zoning districts. The Plan will support the development of underdeveloped aviation land, thereby providing employment opportunities, which will in turn encourage development on adjacent parcels.

D. FAA Policy on Property Acquisition

In a US Department of Transportation Federal Aviation Administration Brochure Land Acquisition for Public Airports "How and Why your Local Government Acquires Real Property for Public Airports" there is the following policy statement about acquisition of properties. The brochure is in reference to Public Law 91-646 The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which was signed into law and made effective on January 2, 1971. This document in full can be found at: http://www.faa.gov/airports_airtraffic/airports/environmental/relocation_assistance/

Can The Airport Owner Take Only A Part Of Your Property?

Yes. However, if the acquisition of your property reduces the value of the remainder, you will be compensated for such reduction in value. Occasionally, a project or action will increase the value of a remaining parcel. When this occurs, generally no reduction is made from the purchase price of the parcel acquired by the airport owner; however, the determination of damages and/or benefits to the remainder depends on the provision of the State law in which the property is located. If the acquisition of a portion of your property leaves an "uneconomic remnant," the Uniform Act requires that the airport owner offer to acquire the remnant at its fair market value.

What Is An Uneconomic Remnant?

An "uneconomic remnant" is that portion of a property remaining after acquisition, the retention of which provides little utility or economic benefit to the owner. This can result from difficulty of access, a changed highest and best use, remoteness, or other reasons which burden the owner with expenses and

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responsibilities not commensurate with the benefit of keeping the remaining remnant.

The Plan relates to this policy by authorizing purchase of entire parcels of land instead of portions of parcels so as to eliminate any controversy about leaving an uneconomic remnant.

APPENDIX A: BEND MUNICIPAL AIRPORT BOUNDARY DESCRIPTION

Beginning at the Southwest corner of Section 17, Township 17 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon; thence North 00°00'38" West 2640.63 feet

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along the west line of said section to the West quarter corner of Section 17; thence continuing North $00^{\circ}01'40''$ West 2640.79 feet along the west line of Section 17 to the Northwest corner thereof; thence North $89^{\circ}48'28''$ East 1324.71 feet to the Northeast corner of the Northwest quarter of the Northwest quarter of said Section 17; thence South $00^{\circ}02'08''$ East to the southerly right-of-way line of Powell Butte Highway; thence Easterly along said right-of-way to the point of intersection with the westerly right-of-way line of McGrath Road; thence Southeasterly along said right-of-way line to the East-West centerline of said Section 17; thence West along said centerline to the center of said section; thence South $00^{\circ}02'36''$ East 2640.95 feet to the Southeast corner of the Southwest quarter of said Section 17 and being the North quarter corner of Section 20 of said Township and Range; thence South $00^{\circ}03'56''$ West 2633.72 feet to the Southeast corner of the Northwest quarter of said Section 20; thence South $89^{\circ}57'47''$ West 224.60 feet along the south line of said quarter to a point on the arc of a 630.00 foot radius non-tangent curve, concave to the Southeast; thence Southwesterly along the arc of said curve (the chord of which bears South $65^{\circ}05'35''$ West 156.08 feet) 156.48 feet to the beginning of a 40.00 foot radius curve to the right; thence along the arc of said curve (the chord of which bears North $80^{\circ}18'26''$ West 53.23 feet) 58.24 feet to the beginning of a 230.00 foot radius curve to the left; thence along the arc of said curve (the chord of which bears North $49^{\circ}31'08''$ West 87.17 feet) 87.70 feet to the south line of the Northwest quarter of said Section 20; thence South $89^{\circ}57'47''$ West 1028.39 feet along said south line to a point on the arc of a 60.00 foot radius non-tangent curve, concave to the east; thence Southeasterly along the arc of said curve (the chord of which bears South $20^{\circ}55'10''$ East 42.81 feet) 43.78 feet; thence South $89^{\circ}57'47''$ West 2.01 feet; thence South $00^{\circ}01'14''$ East 308.91 feet; thence South $89^{\circ}58'46''$ West 44.00 feet; thence South $05^{\circ}43'52''$ East 844.19 feet; thence South $89^{\circ}58'46''$ West 700.00 feet; thence North $05^{\circ}41'24''$ East 179.62 feet; thence South $89^{\circ}57'45''$ West 103.37 feet; thence North $00^{\circ}01'14''$ West 1010.00 feet to the south line of said Northwest quarter of Section 20; thence South $89^{\circ}57'47''$ West 403.75 feet along said south line to the Southwest corner of said Northwest quarter; thence North $00^{\circ}00'43''$ West 2641.51 feet along the west line of said quarter to the point of beginning.

SAVE & EXCEPT that portion within public rights of way.